

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

LOTUS JUSTICE,

Petitioner, : Case No. 2:21-cv-3584

- vs -

District Judge Sarah D. Morrison
Magistrate Judge Michael R. Merz

STATE OF OHIO, et al.,

:
Respondents.

OPINION AND ORDER

This habeas corpus case is before the Court on Petitioner's Motion to Reopen the case based on her recent transfer back into the custody of the Sheriff of Franklin County, Ohio. (ECF No. 51). A motion to reopen a judgment is a dispositive motion on which an assigned Magistrate Judge must provide the Court with findings and a recommended disposition. The Magistrate Judge assigned to this case filed a Report and Recommendations recommending denial of the Motion on December 10, 2021. (ECF No. 53) and Petitioner has now filed Objections. (ECF No. 55).

A litigant who objects to the report and recommendations of a Magistrate Judge on a dispositive motion is entitled to de novo review of those objections by the assigned District Judge. The Court has conducted that review; the results are embodied in this Opinion and Order.

The Court dismissed this case because the Court concluded Petitioner had not exhausted the remedies available in the Ohio state courts to correct her pretrial

commitment. (Opinion and Order, ECF No. 47). Petitioner sought to reopen on the grounds her pretrial confinement had shifted from the facility to which she was committed for mental health treatment back to the Sheriff of Franklin County (Motion, ECF No. 51). The Magistrate Judge recommended denying the Motion because the change of custodians did not satisfy the exhaustion concern. (ECF No. 53). Petitioner's Objections claim that she has exhausted her remedies, but she provides no evidence of a decision by the Franklin County Court of Appeals on her appeal from pretrial commitment or of any further decision by the Supreme Court of Ohio. The website of the Franklin County Court of Appeals shows the relevant case, 21-AP-253, to be active as of December 23, 2021.

While the statutory language requiring exhaustion of state court remedies applies expressly to habeas petitions directed to convictions as opposed to pretrial detention, a substantial body of case law requires exhaustion in pretrial cases as well. See *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484 (1973).

In sum, Petitioner's Objections are without merit and are overruled.

Petitioner's Motion to Reopen is denied.

/s/ Sarah D. Morrison
Sarah D. Morrison
United States District Judge